

REMARKS

This application pertains to a novel syringe for delivering flowable and/or highly viscous materials.

Claims 1 -3, 5, 6, and 8 are pending; claims 4 and 7 being cancelled by this amendment. The limitations of claims 4 and 7 have been added to claim 1.

Claims 1, 2, 3, 5, 6/1-3, 6/5 and 8 stand rejected under 35 USC 102(b) as anticipated by Dragan (USP 4,569,662). The Dragan device, however, does not include a material container which is constructed with open ends, and the Dragan device does not include a tube and outlet nozzle which are constructed in one piece. Moreover, there is nothing to be found anywhere in Dragan's disclosure that would suggest the changes that would be required to arrive at these features.

Accordingly, applicants' claims cannot be seen as anticipated by or as obvious over Dragan, and the rejection of claims 1, 2, 3, 5, 6/1-3, 6/5 and 8 under 35 USC 102(b) as anticipated by Dragan should now be withdrawn.

Claims 1-8 stand rejected under 35 USC 103(a) as obvious over Disco (USP 5,324,273) in view of Muller (USP 5,875,928).

The Disco reference discloses nothing more than a conventional syringe with a disposable barrel. Disco neither teaches nor suggest anything at all about a syringe tube having a material container disposed therein.

The Examiner would then turn to Muller which, in his view, discloses a dental syringe with a material container. According to the Examiner, it would be obvious to substitute Disco's syringe for the material container in Muller.

First of all, it would appear to be impossible to install Disco's syringe into Muller's holder. Disco's syringe is completely different than and is shaped completely different than

the containers which fit into Muller's holder. It would therefore appear that Discsko's syringe would not even fit into Muller's holder.

Moreover, according to Muller, the cartridges are inserted into a holder which has to be opened laterally. This, of course, is not possible with applicants' novel syringe.

Also note that Muller does not disclose a syringe tube with a container disposed therein. Muller discloses a holder. This is only a holder for cartridges which are filled with material and it is not a syringe at all.

There is, of course, nothing in Muller or Discsko, whether taken individually or in any combination that would teach or suggest the changes that would be necessary to arrive at applicants' novel holder. Accordingly, applicants' claims cannot be seen as obvious over this combination of references, and the rejection of claims 1-8 under 35 USC 103(a) as obvious over Discsko in view of Muller should accordingly now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1-8 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, applicant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

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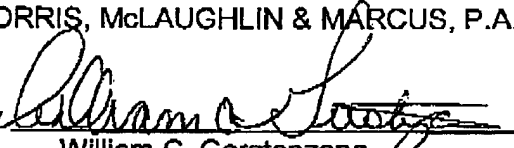
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Respectfully submitted,

NORRIS, McLAUGHLIN & MARCUS, P.A.

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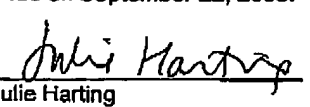

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By


Julie Harting

Date September 22, 2003